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Statement submitted by Fundación para Estudio e Investigación de la Mujer, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement

Challenges in advancing the Cairo Programme of Action to achieve women's rights in Argentina

The Programme of Action of the International Conference on Population and Development represented an extraordinary step forward in securing human rights, especially of women worldwide. This rights-based agenda committed Governments to proactively address gender inequalities to ensure sexual and reproductive health and eradicate gender-based violence. While the goal of achieving gender equality now broadly underpins the national regulatory framework in Argentina, the legislative advances that have been adopted are not fully reflected in the lived realities of women, especially poor and young women and those from other marginalized groups such as adolescent, indigenous, and lesbian, gay, bisexual and transgender women.

Fundación para Estudio e Investigación de la Mujer has been working to defend and promote sexual and reproductive rights in Argentina since 1989 and vigorously welcomed the Programme of Action. However, a principal deficit that we confront is in the achievement of the target of universal access to sexual and reproductive health. This goal remains unmet owing to a variety of structural shortcomings whose convergence limits the possibility of delivering high-quality health services to all women and young people in Argentina. Policies and programmes are not fully implemented or sufficiently monitored, which impedes their reach to those communities most in need and results in delivery gaps across geographic, economic and ethnic lines.

This shortcoming is evident in the failure to fulfil Argentina's Law 25.673 of 2002, which established the National Programme for Sexual Health and Responsible Procreation and mandated the provision of information and counselling on contraceptives, free access to contraceptives at all public health centres as well as through social security and private health-care entities; female reproductive cancer care and prevention; violence prevention and care of victims; and services for those with HIV/AIDS and sexually transmitted infections. This law was key for the implementation of the Programme of Action, and was supplemented in 2006 with National Law 26.150 on comprehensive sexuality education, creating the National Programme of Comprehensive Sexual Education, and Law 26.130 on the right to surgical contraception. Surgical contraception comprises tubal ligation and vasectomy. Neither law has been fully implemented. There is limited access to surgical contraception, with striking problems in its universal application throughout the country.

While there has been ample time and considerable pressure from civil society organizations such as Fundación para Estudio e Investigación de la Mujer to instate reproductive health, this has not been done in accordance with the law's specifications. Adolescents continue to be denied their right to comprehensive sexual education, which includes sexual health information and skill building that is crucial to healthy development, as well as access to sexual and reproductive health services. Although these services are meant to be provided uniformly and without discrimination across the country, their quality and reach vary dramatically at the subnational level. Implementation is very uneven, depending on the interest and political will of the provincial authorities, with varying levels of personnel training

and limited efficiency in providing access to services. Adolescents report widespread difficulty in accessing comprehensive sexual education and the services covered by the programme.

The ramifications of inadequate sexual education and related services are also manifest in the statistics on unintended adolescent pregnancy in Argentina, where adolescent fertility is on the rise, most notably in the poorer north-eastern and north-western regions of the country where the adolescent fertility rate is much higher. The United Nations Population Fund (UNFPA) reported an adolescent fertility rate of 34 per 1,000 women aged 15-19 in Buenos Aires city, versus 80 per 1,000 in the northern provinces of Chaco, Formosa, Misiones and Santiago del Estero.

It is also imperative to address the persistence of unacceptably high maternal mortality ratios, which undermine the commitment in the Programme of Action to reducing maternal mortality and the disparity between social sectors, as well as Millennium Development Goal 5 on improving maternal health. Even in light of significant underreporting in national statistics, there is a clearly demonstrated lag in halting maternal mortality. According to the National Ministry of Health in Argentina, the maternal mortality ratio for 2011 was 40 per 100,000 live births, though international agencies such as the World Health Organization (WHO), the United Nations Children's Fund (UNICEF) and UNFPA have indicated that widespread underreporting of abortion renders the ratio nearly double the official figure, at 77 per 100,000 live births.

To reach the established target by 2015, Argentina should have maintained an annual reduction of the maternal mortality ratio of 5.55 per cent, but the current official ratio indicates that maternal mortality will end up three times higher than the target. Complications related to unsafe abortion are still the main directly obstetric cause of maternal mortality. We therefore call for urgent attention to be given to addressing the causes of maternal mortality, unsafe abortion being chief among them. The Programme of Action urges countries to consider the health impact of unsafe abortion and conditions in the region demand such consideration. According to WHO, Latin America and the Caribbean have the highest unsafe abortion rate of any region in the world. Unsafe abortion remains the principal cause of maternal mortality in Argentina. Nearly 60,000 admissions to public hospitals in the country are reported each year due to complications related to unsafe abortion.

In Argentina, access to abortion is classified as a crime in article 86 of the Penal Code. There are two exceptions that permit abortion: to avoid a threat to the health of the mother, and when the pregnancy is the result of sexual assault. Despite the existence of these exceptions, women and girls have historically been denied legal and safe abortion in public and private health settings, with increasing obstacles enacted over the past three or four decades, and have had to resort to seeking legal authorization to proceed. The criminalization of abortion dissuades doctors from performing the procedure without a judicial mandate, even when the law legally permits it.

In 2012, the Supreme Court issued an additional ruling on abortion, clarifying that abortion was legal in all cases of rape and calling upon national, provincial and local authorities to elaborate appropriate protocols for the provision of legal abortion and comprehensive care to victims of sexual violence. Despite this ruling, the National Ministry of Health did not take action to disseminate public policy that would ensure the fulfilment of this right. In the absence of appropriate intervention

from the National Ministry of Health to correct this negligence, there is great variability in access between provinces. Women in the majority of provinces are denied legal abortions in their own provinces, as demonstrated by recent cases in Tucumán and Entre Rios in which women were forced to travel long distances to Buenos Aires city to access abortion care that should have been provided in their home provinces, causing delays and unnecessary distress that put their lives and health at risk.

Another phenomenon that Fundación para Estudio e Investigación de la Mujer has historically worked to combat, and one that again reflects the sizeable gap between legislation and implementation, is gender-based violence. While the Programme of Action underscores that the elimination of violence against women is a cornerstone of development, the number of cases in Latin America and the Caribbean remains staggering. According to the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), of the 25 countries in the world that are high or very high in the United Nations ranking of femicides (killings of women based on their gender), more than half are in the Americas.

As noted with regard to access to sexual and reproductive health, violence persists despite a relatively strong regulatory framework. For example, even with Argentina's Law 26.485 to prevent, punish and eradicate violence against women (2009) and a 2012 modification to the Penal Code that classified femicide as aggravated homicide, a 2013 study by civil society found that a woman dies from gender-based violence every 35 hours in Argentina. The prevailing gap between legislation and its effective application makes it difficult to disrupt current trends in violence against women and girls and such violence, including often-overlooked forms such as sexual abuse and harassment, persists.

To address this situation in Argentina and in similar contexts throughout the world, the implementation of the Programme of Action of the International Conference on Population and Development needs to continue after 2015. Governments must reaffirm the importance of the Programme of Action and its potential to markedly uplift the health and well-being of women and girls. In order to achieve ample realization of women's and girls' sexual and reproductive rights and their right to live free of all forms of violence, as Governments prepare a new development plan, they must not consider the Programme of Action merely as an unfulfilled platform. Instead, the goals delineated in the Programme of Action must be incorporated with specificity and continuity into the post-2015 development agenda. A commitment to building upon, rather than discarding, the Cairo vision is essential to achieving the full range of women's human rights in the post-2015 period.